

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House  
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**FISCAL IMPACT STATEMENT**

**LS 7185**

**BILL NUMBER:** SB 402

**DATE PREPARED:** Feb 21, 2002

**BILL AMENDED:** Feb 21, 2002

**SUBJECT:** County Recording Issues.

**FISCAL ANALYST:** Valerie Ruda

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**FUNDS AFFECTED:**      **GENERAL  
DEDICATED  
FEDERAL**

**IMPACT:** Local

**Summary of Legislation:** (Amended) This bill requires a county recorder to accept and record an instrument, even though the amount of money submitted exceeds the amount of the filing fee, if the instrument meets statutory requirements for filing.

It requires the county recorder upon request to refund the amount of the overpayment that exceeds three dollars. The bill also allows the county recorder to retain a portion of an overpayment as an administrative fee.

The bill requires the county recorder to establish a written policy on the acceptance of sewer lien instruments. It also requires a municipal sewage works to file an individual instrument for each property on which fees are delinquent instead of a filing list of properties on which fees are delinquent if the individual instrument for each property is requested by the county recorder.

**Effective Date:** July 1, 2002.

**Explanation of State Expenditures:**

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** (Revised) Currently county recorders will not accept and record an instrument unless the person remits the exact fee. This bill will require the county recorder to accept and record instruments even if the fee remitted is in excess of the statutory fee. This bill provides for a county recorder to refund the portion of a payment that is in excess of the recording fee if the portion is greater than \$3. The county recorder could experience a minimal impact due to issuing checks as payment of the refund. However they could retain up to \$3 of the excess fees to cover their costs.

The bill also provides that a municipal sewage works may file an individual instrument for properties on which fees are delinquent. There is no fiscal impact involved with this provision.

**Explanation of Local Revenues:**

**State Agencies Affected:**

**Local Agencies Affected:** County Recorders.

**Information Sources:**